



October 1, 2008

TECHNICAL STAFF REPORT

*Petition Accepted on August 29, 2008
Planning Board Meeting of December 4, 2008
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-102 – Wilde Lake Business Trust

Request: Zoning Regulation Amendment to amend Section 125 NT (New Town) District by establishing a new Section 125.F. entitled “Village Center Redevelopment” that would include provisions for; allowing any property owner of any portion of a Village Center to petition to amend the approved New Town Preliminary Development Plan (the “NT PDP”), a Comprehensive Sketch Plan, a Final Development Plan, and a Site Development Plan (collectively, the “NT Plans”) for the owner’s property; allowing the owner to propose to amend the NT Plans to permit any use or density; establishing the public notice, information, and justification requirements for a petition to amend the NT PDP; establishing basic guides and standards to be used by the Zoning Board in its evaluation of the petition to amend the NT PDP; and to establish the approval procedure for the subsequent NT Plans other than the NT PDP.

Department of Planning and Zoning Recommendation:

APPROVAL, WITH REVISIONS

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes one substantial amendment to the Zoning Regulations requesting a new process to facilitate the redevelopment of Village Center properties in the NT District, by giving the owner(s) of Village Center properties the ability to submit and obtain approval for self-initiated plan amendments and development plans. The major elements of the amendment are generally described as follows:**
 1. Under the NT District regulations since the original approvals in the 1960s, only the petitioner that applied for the creation of the NT District, the “Original Petitioner”, has had the legal authority to submit amendments to the NT PDP and to the subsequent development-related plans (Comprehensive Sketch Plans, Final Development Plans and Site Development Plans). The amendment proposes to give any owner of property in a Village Center (“Village Center Owner”) the authority to amend the NT PDP and the other NT Plans, without any involvement by the Original Petitioner.
 2. The amendment more specifically intends to grant a Village Center Owner the ability to propose amendments to the various NT Plans that could permit any land use or residential density, even if the previously approved NT Plans do not permit such land uses or residential density.

I. DESCRIPTION OF PROPOSAL

3. The amendment would require that a Village Center Owner must hold a Pre-submission Community Meeting in compliance with the County Code requirements, and in addition to the written notice requirements contained therein, written notice must also be sent to all property owners of record of all properties within the subject Village Center, and to the Village Board for the property.
4. The amendment specifies the information and application materials a Village Center Owner must submit to the Zoning Board for a proposal to amend the NT PDP to allow a Village Center Redevelopment, including;
 - The same information that is currently required in the NT District regulations for an application to create an NT District.
 - A metes and bounds description (i.e., property line description) of the Village Center Owner's property.
 - A description of the boundaries of the entire subject Village Center.
 - A detailed explanation of the nature of the Village Center, giving the names of all property owners, describing the buildings, uses, and the function and role of the Village Center, both currently and as envisioned by the redevelopment proposal.
 - A Redevelopment Concept Plan that provides information on the proposed general site design, buildings, uses, floor areas, parking, traffic, open space, signs, landscaping, typography [sic], drainage, and natural features.
 - The proposed design guidelines for the redevelopment.
 - A justification statement for the redevelopment proposal.
5. The amendment stipulates that the Zoning Board evaluation of the redevelopment proposal, and its findings and conclusions on the request, would be based on the issues given in the current guides and standards for the creation of NT Districts, and also on a consideration of the "...proper role and function..." of the subject Village Center.
6. The Zoning Board Decision and Order on such a Village Center Redevelopment petition would have to make final determinations on the accepted Village Center boundaries, design guidelines, and Redevelopment Concept Plan, all of which are subject to modification by the Zoning Board. The amendment requires that all later approvals and decisions, presumed to mean the subsequent evaluations of the other NT Plans necessary to achieve the redevelopment, "...are bound by and must be consistent with..." the Zoning Board Decision and Order.

I. DESCRIPTION OF PROPOSAL

7. The evaluation and approval processes for the NT Plans other than the NT PDP would be required to follow the current procedures in the NT District Regulations for Comprehensive Sketch Plans, Final Development Plans and Site Development Plans.
- **The subsections proposed to be amended and the amendment text is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; there is no text to be deleted).**

II. EXISTING REGULATIONS

- **The NT District regulations were originally approved on May 27, 1965 as Zoning Board Case No. 398. Over the years since that time there have been amendments to the original text, but the basic structure of the regulations, particularly regarding the approval and amendment of the various NT Plans, has remained largely the same. The premise of the proposed amendments to grant any Village Center Owner the ability to seek approval of a redevelopment plan, without the authorization or involvement of the Original Petitioner, is an entirely new concept.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendment

- **As proposed by the Petitioner, the amendment would only apply to those properties that are zoned NT and are located within an area designated as a Village Center. This is, however, a significant issue in the amendment because at least initially, there is no explicit definition of what is, and what is not, land within a “Village Center”.**

The NT PDP depicts the Village Centers in a very generalized way in terms of approximate location. The other NT Plans, such as Final Development Plans which may label some land use areas as Village Center Commercial, or Site Development Plans which can have a similar notation, are more specific.

However, there can be land located within the area that is commonly thought to be the Village Center that might have no direct Village Center designation, such as areas of Open Space. The Petitioner’s proposal is for the boundaries of the Village Center to be officially defined as part of the Zoning Board approval process; the Petitioner would submit its definition of the Village Center boundaries, that could be debated during the evaluation, and ultimately the Zoning Board would declare the extent of the Village Center boundaries in its final decision on the matter.

- **Of course, the amendments only directly apply to the property owned by the Village Center Owner(s) submitting the request for the redevelopment. Just because the boundaries of the Village Center would be officially defined by the proposed process, there is nothing that would compel any owner of property within those boundaries to be included in the redevelopment.**

IV. EVALUATIONS AND CONCLUSIONS

- **The underlying premise of the proposed amendment to give any Village Center Owner the ability to self-initiate a plan for the redevelopment of the owner's property has merit from the basic standpoint that it would give the Village Center Owner a right of ownership that is common to almost all other property owners in other zoning districts; the right to attempt to utilize the property for whatever purpose the owner believes to be the best use of the land, within the limits of the regulations.**

From this standpoint, it is important to note that just because the proposed amendment would give a Village Center Owner the ability to attempt a redevelopment, such an attempt could fail and be denied, or be revised to an extent that is contrary to the owner's intentions. The amendment would allow the potential for change; it does not mandate change. Decision making authority is vested in the Zoning Board, as it is for all other zoning districts.

- **Importantly, the amendment is not itself a proposal to redevelop any particular Village Center in any way. It only sets the foundation of a procedure to seek approval for a specific redevelopment proposal, if the amendment is approved.**
- **Even if the amendment does only allow the possibility for a development, and is not a request for a definite development, the Petitioner's proposal for a totally open-ended option to "...allow any use or density" needs to be examined carefully.**

It is understandable that the Petitioner would want the greatest degree of flexibility in devising a redevelopment concept plan, but it must be noted that such a provision would be unprecedented, because every current development process in every zoning district includes some types of limitations on both permitted land uses and on maximum residential densities that have real foundations in the Zoning Regulations.

The Petitioner may believe that the final approval authority of the Zoning Board would be sufficient to serve as the ultimate "checks and balances" for any land use or residential density proposals, but the Zoning Board may prefer to have some understandable limits to uses and density.

- **Concerning the issue of limitations on the types of uses that could be proposed by a Village Center Owner in a redevelopment proposal, it should be noted that the Petitioner's proposal to "...allow any use...even if that use...is not otherwise allowed by the New Town District" contradicts one longstanding provision in Section 125.A.5.a. of the NT District that "No uses permitted only in the R-MH or M-2 Districts under these regulations may be permitted in an NT District".**

It is of course highly unlikely that such uses would be proposed for a Village Center Redevelopment, much less actually being approved as acceptable, but the amendment should be subject to the Section 125.A.5.a. restriction nonetheless.

IV. EVALUATIONS AND CONCLUSIONS

- **Another important consideration of such an open-ended provision is that it could lead to the introduction of uses that are not currently permitted or even addressed in any part of the Zoning Regulations.**

The positive aspect of this is the opportunity for new or different innovative uses to be examined. However, unsuitable uses could perhaps be proposed as well. The Petitioner appears to be confident that the oversight of the Zoning Board will be sufficient to prevent unsuitable uses, but the true concern is that the “any use” authority could be used as a basis for appeal when such uses are denied, because the amendment includes only very generalized approval criteria.

- **On the issue of the amendment allowing a Village Center Owner to propose any density, it has long been established and practiced in the NT District that individual developments have flexibility in residential density. The reason for this of course is that the residential density in the entire NT District has always been ultimately controlled by the maximum total residential density factor in Section 125.A.4., and by the total residential density factor approved for the NT PDP.**

Section 125.A.4. sets the maximum residential density for the NT District at 2.5 dwelling units per acre, based upon the gross acreage of the entire district, regardless of how land is designated on a land use basis.

The original 1965 NT PDP set the permitted maximum residential density at 2.2 dwelling units per acre. The most current amendment to the NT PDP in this regard set the maximum density to 2.3643 dwelling units per acre in ZB 1031M, although there are limitations on the use of the additional density approved by that case.

- **In permitting a proposal for any density by saying “...even if that...density is not otherwise allowed by the New Town District...”, the amendment would technically override the Section 125.A.4. cap that has always been in place. Even if the Zoning Board is given complete control in determining the appropriate residential density for a redevelopment proposal that includes residential uses, it is prudent that such redevelopments still be bound by Section 125.A.4.**

It might be better to consider whether the Section 125.A.4. density cap concept needs to be adjusted to allow for the redevelopments to occur in Columbia, than to essentially exempt such a redevelopment proposal from that requirement.

However, at this time, it appears that the Section 125.A.4. cap does not need to be adjusted at all. Based upon the current 14,272 acre area of the NT District, and the most current accounting of 33,293 total existing dwelling units in the NT District, the maximum 2.5 dwelling units per acre in Section 125.A.4. means that there is still the purely mathematical possibility for 2,387 more dwelling units. (A useful fact to remember for Section 125.A.4. is that every 0.01 change in the permitted density equals 141 dwelling units.)

IV. EVALUATIONS AND CONCLUSIONS

- **The principal portion of the amendment concerns amending the NT PDP, and this would be the equivalent of a “development plan” approval by the Zoning Board. In the County Code, there are already detailed procedural requirements and related provisions for Zoning Board cases involving development plan approvals in Section 16.204 through Section 16.207.**

So the proposed new Section 125.F.2 requirement for a Pre-submission Community Meeting is somewhat redundant because such a requirement is already in Section 16.205 of the County Code, although the proposed Section 125.F.2. does have additional written notice requirements to all property owners in a Village Center, and to the pertinent Village Board.

Due to the potential complexity of a Village Center redevelopment proposal and the likely level of interest, it may be beneficial to require more than one Pre-submission Community Meeting. This could give more of an opportunity for the Village Center Owner to resolve some issues before officially submitting a petition, and it would allow for more flexibility for persons who have an interest in attending such a meeting but are not able to attend on one date. The meetings also should be scheduled so that there is sufficient time between the meetings for a Petitioner to be able to address any comments or recommendations that may be made at the initial meeting.

- **Although the requirements for Pre-submission Community Meetings will enable some interaction between the community and the Petitioner prior to a Village Center Redevelopment proposal, once such a proposal is officially submitted to the Department of Planning and Zoning, the Department believes it is important that the community be given an immediate opportunity to express to the Department any comments it may have on the proposal, before the formal evaluation of the proposal is started by the Department.**

It is recommended that a requirement be added in which upon its receipt of a petition for a Village Center Redevelopment, the Department of Planning and Zoning must send a request for a Community Response Statement to the Village Board of the village in which the Village Center is located. Such a request would suggest a date for the submittal of the Community Response Statement, but there would not be any deadline nor any actual requirement for the Village Board to respond to the request at all.

- **In Section 125.F.3.a.(1) of the proposed amendment, it requires a petition to amend the NT PDP to include all information specified in Section 125.B.1.a., b. and c. and Section 125.B.2. of the NT District. Section 125.B.1.b. already requires a metes and bounds description of the subject property, so the text in the proposed Section 125.F.3.a(2) is unnecessary.**

IV. EVALUATIONS AND CONCLUSIONS

- **The basic informational requirements for the Redevelopment Concept Plan given in the proposed Section 125.F.3.a.(5) are important factors to consider, but what must be carefully examined is whether the level of detail required by that section is really adequate for such an important evaluation.**

Section 100.G.2.a. of the Zoning Regulations specifies the plan information requirements that are necessary for petitions to the Zoning Board to rezone properties under 50 acres, for which the petitioner in that case is proposing site plan documentation. The amount of plan information required in Section 100.G.2.a. is considerably greater than what would be required by the proposed Section 125.F.3.a.(5).

If there are already detailed development plan requirements in Section 100.G.2.a. which were determined to be necessary to fully evaluate zoning cases for properties under 50 acres, and because any Village Center Redevelopment proposal would be well under 50 acres, it appears logical that a Village Center redevelopment proposal should be held to similar standards. Any redevelopment of a Village Center must be made to fit within the existing context of Columbia as a planned community, so it is best to have as many details as possible.

- **The requirement for a justification statement in the proposed Section 125.F.3.a.(7) is a worthy requirement, but having only one generalized criteria saying that the statement should express “...the impacts of the proposed Village Center Redevelopment on the nature and purpose of the Village Center” is inadequate, because the “nature and purpose” of a Village Center is not specified in the regulations, and instead appears to be variable based upon how that nature and purpose is characterized by the Village Center Owner.**

A justification statement that is based upon a characterization provided by the applicant would have questionable usefulness. It would be more beneficial if there are established criteria, or redevelopment standards, that give some standards for what are considered to be the nature and purposes of a Village Center, and to have the justification statement and the evaluation of the petition based on these redevelopment standards.

- **On a related matter, the Zoning Board criteria for evaluating a request for an amendment to the NT PDP for a Village Center Redevelopment, as proposed in Section 125.F.3.b., are the “guides and standards set forth in...Section 125.B.3.” and also the consideration of “...the proper role and function of the particular Village Center”.**

The Section 125.B.3. guides and standards were designed and intended for the evaluation of an entire Preliminary Development Plan of many thousands of acres, and as such, are somewhat general in nature and are mostly focused on issues related to how the plan for those many thousands of acres fits into the County and into the overall region. These guides and standards are less useful in considering the issue of how a proposed Village Center redevelopment of relatively few acres fits into the Village Center neighborhood and into Columbia.

IV. EVALUATIONS AND CONCLUSIONS

Similarly to the comments noted above on the justification statement issue, an evaluation criteria that involves a finding on the concept of the “proper role and function” of a Village Center is also generalized, with less details than the likely complex issues of a significant redevelopment might suggest.

- **The issue of determining what is the role and function of a Village Center becomes difficult if there is not at least a baseline zoning definition of what the term “Village Center” fundamentally is meant to be. For this purpose, the Department recommends the addition of an amendment to Section 103 to include such a definition.**

In devising this definition, the Department directly referred to the explanation of the Village Center concept as given in “Columbia – A New City” by The Rouse Company in 1966, and made sure to include some of the same elements of that important explanation.

- **In addition to the Zoning Board evaluation of the redevelopment standards for a Village Center Redevelopment and making findings on those somewhat generalized concepts, the Department of Planning and Zoning recommends that the Zoning Board also be required to include more precise conclusions in its Decision on several very crucial design-related issues which must be employed as required criteria in all subsequent Planning Board evaluations of plans for the redevelopment.**

The issues of maximum residential density if residences are proposed, building height(s), provided parking, amenity areas, and permitted uses are significant for such a redevelopment proposal, so these issues must be decided at the initial approval of the amendment to the NT PDP, and must be mirrored in all the following plan evaluations before the redevelopment can begin.

- **Another idea related to better ensuring an appropriate, harmonious design for a Village Center Redevelopment as a major “infill” development is to involve the Design Advisory Panel (DAP) in the evaluation process after the redevelopment proposal progresses beyond the initial Concept Plan stage into the likely more detailed development plan stages of the Planning Board.**

It is recommended that the DAP review take place in the review of a plan with details equivalent to a Sketch Plan, with the DAP making its recommendations to the Planning Board prior to its review of the Comprehensive Sketch Plan. To establish the authority for and details of such a process will require an amendment to Section 16.1500 of the County Code concerning the Design Advisory Panel, but it is recommended that a revision to the proposed amendment include such a requirement now, so that the zoning requirement is already in place prior to amending Section 16.1500.

- **Based on the comments noted above, the Department of Planning and Zoning recommends several revisions to the Petitioner’s proposed text. The recommended text is attached as Exhibit B – DPZ Proposed Revisions (UNDERLINED CAPITALS indicates text to be added, deleted text is in [[double brackets]]. This text includes several minor changes not noted above that are self-explanatory.**

V. RECOMMENDATION

APPROVAL, WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-102 be APPROVED, with consideration of the recommended revisions in Exhibit B.

	11/01/08
Marsha S. McLaughlin, Director	Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

F. VILLAGE CENTER REDEVELOPMENT

1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER, AS DEFINED BELOW, MAY PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER (“PETITIONER”) MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, EVEN IF THAT USE OR DENSITY IS NOT OTHERWISE ALLOWED BY THE NEW TOWN DISTRICT OR THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN.

2. PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128. IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS OF HOWARD CODE SECTION 16.128 (c), THE PETITIONER SHALL ALSO NOTIFY IN WRITING ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHO ARE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS IDENTIFIED IN THE PETITION, AND THE VILLAGE BOARD OF SAID VILLAGE CENTER BY FIRST CLASS MAIL.

3. a. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTIONS 125.B.1.a, b and c AND 125.B.2.

(2) A METES AND BOUNDS DESCRIPTION OF THE PETITIONER’S LAND WHICH IS THE SUBJECT OF THE PETITION.

(3) A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION.

(4) A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE BUILDINGS AND USES WITHIN THE VILLAGE CENTER, THE CURRENT AND PROPOSED FUNCTION AND ROLE OF THE VILLAGE CENTER.

(5) A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT IN A SIMPLE, CLEAR AND LEGIBLE MANNER THAT INDICATES THE GENERAL SITE LAYOUT, PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF UNITS, SQUARE FOOTAGE FOR NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, PROPOSED OPEN SPACE, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE

CONCEPT, ANY SIGNIFICANT CHANGES TO TYPOGRAPHY AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF NATURAL FEATURES.

(6) PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE VILLAGE CENTER REDEVELOPMENT.

(7) A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE PROPOSED VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE CENTER.

b. THE ZONING BOARD, IN ADDITION TO THE GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3, SHALL ALSO CONSIDER THE PROPER ROLE AND FUNCTION OF THE PARTICULAR VILLAGE CENTER IN THE NT DISTRICT. THE PETITION SHALL BE GRANTED ONLY IF THE ZONING BOARD FINDS THAT THE PETITION COMPLIES WITH THESE REGULATIONS AND THAT THE AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN SHALL BE PERMITTED AT THE PROPOSED SITE. THE DECISION AND ORDER OF THE ZONING BOARD SHALL DETERMINE THE PROPER BOUNDARIES OF THE VILLAGE CENTER, APPROVE DESIGN GUIDELINES FOR THE VILLAGE CENTER AND APPROVE THE CONCEPT PLAN. THE ZONING BOARD MAY MAKE ANY MODIFICATIONS TO THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN WHICH IT DEEMS, WITHIN THE STANDARDS AND GUIDELINES OF THIS SECTION, TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

c. IF THE PETITION IS GRANTED, THE ZONING BOARD SHALL BY DECISION AND ORDER APPROVE THE PRELIMINARY DEVELOPMENT PLAN, THE VILLAGE CENTER BOUNDARIES, THE DESIGN GUIDELINES AND CONCEPT PLAN AND A COPY OF SAID DOCUMENTS SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

4. IF THE AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING BOARD, THEN THE PETITIONER SHALL PROCEED WITH THE AMENDMENTS TO THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.C.

5. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN THE SITE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.E.

Exhibit B – DPZ Proposed Revisions

Add new Section 103.A.168:

168. NEW TOWN VILLAGE CENTER – A MIXED-USE DEVELOPMENT IN THE NEW TOWN DISTRICT WHICH IS IN A LOCATION DESIGNATED ON THE NEW TOWN PRELIMINARY DEVELOPMENT PLAN AS A “VILLAGE CENTER”, WHICH IS DESIGNED TO SERVE AS A COMMUNITY FOCAL POINT AND GATHERING PLACE FOR THE SURROUNDING VILLAGE NEIGHBORHOODS BY INCLUDING THE FOLLOWING ITEMS:

A. AN OUTDOOR, PUBLIC, VILLAGE GREEN, PLAZA OR SQUARE, WHICH HAS BOTH HARDSCAPE AND SOFTSCAPE ELEMENTS. THIS PUBLIC SPACE SHALL BE DESIGNED TO FUNCTION AS AN ACCESSIBLE, PRIMARILY PEDESTRIAN-ORIENTED PROMENADE CONNECTING THE VARIOUS VILLAGE CENTER BUILDINGS AND SHALL INCLUDE PUBLIC SEATING FEATURES.

B. STORES, SHOPS, OFFICES OR OTHER COMMERCIAL USES WHICH PROVIDE OPPORTUNITIES TO FULFILL THE DAY-TO-DAY NEEDS OF THE VILLAGE RESIDENTS, SUCH AS FOOD STORES, SPECIALTY STORES, SERVICE AGENCIES, FINANCIAL INSTITUTIONS, PERSONAL SERVICES, MEDICAL SERVICES, AND RESTAURANTS.

C. SPACE FOR COMMUNITY USES AND/OR INSTITUTIONAL USES.

D. RESIDENTIAL USES, IF APPROPRIATE TO SUPPORT AND ENHANCE OTHER USES IN THE VILLAGE CENTER.

F. VILLAGE CENTER REDEVELOPMENT

1. ANY PROPERTY OWNER OF ANY PORTION OF A VILLAGE CENTER, AS DEFINED BELOW, MAY PETITION TO AMEND AN APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND/OR SITE DEVELOPMENT PLAN IN ACCORDANCE WITH THIS SECTION, FOR THAT PORTION OF LAND WHICH THEY OWN. THE OWNER (“PETITIONER”) MAY PROPOSE AMENDMENTS TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN AND SITE DEVELOPMENT PLAN TO ALLOW ANY USE OR DENSITY, EVEN IF THAT USE OR DENSITY IS NOT OTHERWISE ALLOWED BY THE NEW TOWN DISTRICT OR THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN OR SITE DEVELOPMENT PLAN, **SUBJECT TO THE FOLLOWING LIMITATIONS:**

A. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.5.A. CONCERNING M-2 AND R-MH USES.

B. USES NOT CURRENTLY PERMITTED BY THE ZONING REGULATIONS ARE PROHIBITED.

- C. THE AMENDMENT SHALL COMPLY WITH SECTION 125.A.4. CONCERNING THE MAXIMUM RESIDENTIAL DENSITY IN THE NT DISTRICT.
2. PRE-SUBMISSION COMMUNITY MEETING AND REQUESTS FOR COMMUNITY RESPONSE STATEMENTS
- A. [[PRIOR TO PETITIONING TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, THE PETITIONER IS REQUIRED TO HOLD A PRE-SUBMISSION COMMUNITY MEETING IN ACCORDANCE WITH HOWARD COUNTY CODE SECTION 16.128.]] THE PETITION SHALL COMPLY WITH THE REQUIREMENTS AND PROVISIONS OF SECTIONS 16.204 THROUGH 16.207 OF THE COUNTY CODE AS THEY RELATE TO ZONING BOARD APPROVAL OF DEVELOPMENT PLANS. IN ADDITION TO THE WRITTEN NOTICE REQUIREMENTS [[OF HOWARD CODE SECTION 16.128 (c)]] IN SECTION 16.205, THE PETITIONER SHALL ALSO NOTIFY IN WRITING ALL PROPERTY OWNERS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION WHO ARE WITHIN THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER AS IDENTIFIED IN THE PETITION, AND THE VILLAGE BOARD OF SAID VILLAGE CENTER BY FIRST CLASS MAIL. ALTHOUGH SECTION 16.205 ORDINARILY REQUIRES ONLY ONE PRE-SUBMISSION COMMUNITY MEETING, A PETITIONER FOR A VILLAGE CENTER REDEVELOPMENT PROPOSAL IS REQUIRED TO HOLD A MINIMUM OF TWO SUCH MEETINGS, THE SECOND OF WHICH SHALL BE HELD AT LEAST 30 DAYS AFTER THE INITIAL MEETING, ALLOWING THE PETITIONER TO ADDRESS ANY CONCERNS OR SUGGESTIONS EXPRESSED AT THE INITIAL MEETING .
- B. WITHIN TWO DAYS AFTER ITS ACCEPTANCE OF A PETITION FOR A VILLAGE CENTER REDEVELOPMENT, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND A NOTICE TO THE VILLAGE BOARD OF THE VILLAGE IN WHICH THE VILLAGE CENTER PETITIONING FOR REDEVELOPMENT IS LOCATED. THE NOTICE SHALL REQUEST THAT THE VILLAGE BOARD SUBMIT A COMMUNITY RESPONSE STATEMENT OUTLINING ITS COMMENTS ON THE REDEVELOPMENT PROPOSAL. A SUBMITTED COMMUNITY RESPONSE STATEMENT BECOMES PART OF THE PUBLIC RECORD FOR THE VILLAGE CENTER REDEVELOPMENT CASE, AND WILL BE FORWARDED TO THE PLANNING BOARD PRIOR TO ITS INITIAL MEETING ON THE ZONING BOARD CASE.
3. PETITION INFORMATION

a. THE PETITION FOR AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN SHALL BE TO THE ZONING BOARD AND SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) THE INFORMATION SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTIONS 125.B.1.a, b and c AND 125.B.2.

[(2)] A METES AND BOUNDS DESCRIPTION OF THE PETITIONER'S LAND WHICH IS THE SUBJECT OF THE PETITION.]]

[(3)]2 A SPECIFIC DESCRIPTION OF THE GEOGRAPHIC BOUNDARIES OF THE VILLAGE CENTER WHICH IS THE SUBJECT MATTER OF THE PETITION.

[(4)]3 A DESCRIPTION OF THE VILLAGE CENTER INCLUDING, THE NAMES OF ALL PROPERTY OWNERS WITHIN THE VILLAGE CENTER, THE BUILDINGS AND USES WITHIN THE VILLAGE CENTER, THE CURRENT AND PROPOSED FUNCTION [[AND ROLE]] OF THE VILLAGE CENTER.

[(5)]4 A CONCEPT PLAN THAT SETS FORTH AN INFORMATIVE, CONCEPTUAL AND SCHEMATIC REPRESENTATION OF THE PROPOSED REDEVELOPMENT IN A SIMPLE, CLEAR AND LEGIBLE MANNER THAT [[INDICATES]] **PROVIDES INFORMATION INCLUDING, BUT NOT LIMITED TO** THE GENERAL SITE LAYOUT, PROPOSED BUILDING TYPES AND USES, PROPOSED NUMBER OF **DWELLING** UNITS, SQUARE FOOTAGE FOR NON-RESIDENTIAL PROJECTS, PARKING AND TRAFFIC, PROPOSED OPEN SPACE, GENERAL LOCATION AND SIZE OF SIGNAGE, LANDSCAPE CONCEPT, ANY SIGNIFICANT CHANGES TO [[TYPOGRAPHY]] **TOPOGRAPHY** AND SURFACE DRAINAGE, AND THE GENERAL LOCATION OF NATURAL FEATURES. **IN ADDITION, THE CONCEPT PLAN SHALL ALSO COMPLY WITH THE PLAN INFORMATION REQUIREMENTS SPECIFIED IN SECTION 100.G.2.A OF THE ZONING REGULATIONS.**

[(6)]5 PROPOSED DESIGN GUIDELINES WHICH WILL BE IMPOSED UPON THE VILLAGE CENTER REDEVELOPMENT.

[(7)]6 A JUSTIFICATION STATEMENT WHICH IDENTIFIES THE IMPACTS OF THE PROPOSED VILLAGE CENTER REDEVELOPMENT ON THE NATURE AND PURPOSE OF THE VILLAGE CENTER **AND ITS RELATION TO THE SURROUNDING COMMUNITY. THE JUSTIFICATION STATEMENT SHALL ADDRESS THE FOLLOWING ISSUES:**

A. THE VILLAGE CENTER REDEVELOPMENT WILL FOSTER ORDERLY GROWTH AND PROMOTE THE FUNCTION OF THE VILLAGE CENTER IN ACCORDANCE WITH THE PLANNED CHARACTER OF THE NT DISTRICT.

B. THE AMOUNT OF COMMERCIAL BUSINESS FLOOR AREA CONTAINED IN THE VILLAGE CENTER REDEVELOPMENT IS SUFFICIENT TO MAINTAIN A LEVEL OF RETAIL AND COMMERCIAL SERVICE APPROPRIATE TO THE VILLAGE CENTER FUNCTION AS A LOCATION FOR CONVENIENT, DIVERSE

COMMERCIAL BUSINESS USES WHICH SERVE THE LOCAL NEIGHBORHOODS OF THE VILLAGE.

- C. THE VILLAGE CENTER REDEVELOPMENT WILL FOSTER THE PLANNED FUNCTION OF A VILLAGE CENTER AS A COMMUNITY FOCAL POINT PROVIDING GOOD OPPORTUNITIES FOR COMMUNITY INTERACTION AND COMMUNICATION.**
- D. THE LOCATIONS AND THE RELATIVE PROPORTIONS OF THE PERMITTED USES FOR COMMERCIAL BUSINESSES, DWELLINGS, AND OPEN SPACE USES, AND THE PROJECT DESIGN WILL ENHANCE THE EXISTING DEVELOPMENT SURROUNDING THE VILLAGE CENTER REDEVELOPMENT.**
- E. THE VILLAGE CENTER REDEVELOPMENT PROVIDES ACCESSIBLE USEABLE LANDSCAPED AREAS SUCH AS COURTYARDS, PLAZAS OR SQUARES.**
- F. THE VILLAGE CENTER REDEVELOPMENT IS CONSISTENT WITH ALL APPLICABLE ENVIRONMENTAL POLICIES AND REQUIREMENTS, AND PROVIDES NEW ENVIRONMENTAL IMPROVEMENTS TO THE REDEVELOPMENT AREA THROUGH THE USE OF METHODS SUCH AS GREEN BUILDING STANDARDS, WATER CONSERVATION, NATURAL DRAINAGE SYSTEMS, THE PLANTING OF NATIVE VEGETATION, THE REMOVAL OF EXISTING INVASIVE PLANTS, THE IMPROVEMENT OF STORMWATER DEFICIENCIES, AND FOLLOWING LOW IMPACT DEVELOPMENT PRACTICES.**
- G. THE VILLAGE CENTER REDEVELOPMENT FOSTERS PEDESTRIAN AND BICYCLE ACCESS.**
- H. PUBLIC TRANSIT OPPORTUNITIES ARE APPROPRIATELY INCORPORATED INTO THE DEVELOPMENT.**

b. THE ZONING BOARD, IN ADDITION TO **MAKING FINDINGS ON THE GUIDES AND STANDARDS SET FORTH IN HOWARD COUNTY ZONING REGULATIONS SECTION 125.B.3, AND THAT THE PETITIONER HAS SUCCESSFULLY ADDRESSED THE VILLAGE CENTER REDEVELOPMENT STANDARDS IN SECTION 125.F.3.A.(6),** SHALL ALSO CONSIDER THE PROPER ROLE AND FUNCTION OF THE PARTICULAR VILLAGE CENTER IN THE NT DISTRICT. THE PETITION SHALL BE GRANTED ONLY IF THE ZONING BOARD FINDS THAT THE PETITION COMPLIES WITH THESE REGULATIONS AND THAT THE AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN SHALL BE PERMITTED AT THE PROPOSED SITE. THE DECISION AND ORDER OF THE ZONING BOARD SHALL DETERMINE THE PROPER BOUNDARIES OF THE VILLAGE CENTER, APPROVE DESIGN GUIDELINES FOR THE VILLAGE CENTER AND APPROVE THE CONCEPT PLAN. **THE DECISION AND ORDER SHALL ALSO ESTABLISH MINIMA, MAXIMA, PRECISE VALUES OR SPECIFIC REQUIREMENTS CONCERNING AMENITY AREAS, BUILDING HEIGHT(S), PARKING, DENSITY AND PERMITTED USES.** THE ZONING BOARD MAY MAKE ANY MODIFICATIONS TO THE PROPOSED BOUNDARIES OF THE VILLAGE CENTER, THE PROPOSED DESIGN GUIDELINES AND THE PROPOSED CONCEPT PLAN **OR ESTABLISH**

ANY OTHER CRITERIA WHICH IT DEEMS, WITHIN THE STANDARDS AND GUIDELINES OF THIS SECTION, TO BE APPROPRIATE. ALL LATER APPROVALS AND DECISIONS ARE BOUND BY AND MUST BE CONSISTENT WITH THE DECISION AND ORDER OF THE ZONING BOARD.

c. IF THE PETITION IS GRANTED, THE ZONING BOARD SHALL BY DECISION AND ORDER APPROVE THE PRELIMINARY DEVELOPMENT PLAN, THE VILLAGE CENTER BOUNDARIES, THE DESIGN GUIDELINES, [[AND]] CONCEPT PLAN **AND THE OTHER ITEMS NOTED ABOVE.** [[AND]] A COPY OF SAID DOCUMENTS SHALL BE CERTIFIED AS APPROVED BY THE ZONING BOARD AND A VERIFIED COPY OF THE SAME SHALL BE FORWARDED TO THE DEPARTMENT OF PLANNING AND ZONING AND THE PETITIONER.

4. IF THE AMENDMENT OF THE PRELIMINARY DEVELOPMENT PLAN IS APPROVED BY THE ZONING BOARD, THEN THE PETITIONER [[SHALL]] **IS AUTHORIZED TO** PROCEED WITH [[THE]] AMENDMENTS TO THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.C. **HOWEVER, PRIOR TO THE SUBMITTAL OF THE COMPREHENSIVE SKETCH PLAN TO THE PLANNING BOARD, THE PETITIONER SHALL PRESENT A SKETCH PLAN OR ITS EQUIVALENT TO THE DESIGN ADVISORY PANEL FOR ITS EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE. THE DESIGN ADVISORY PANEL RECOMMENDATIONS SHALL BE FORWARDED TO THE PLANNING BOARD FOR ITS CONSIDERATION OF THE COMPREHENSIVE SKETCH PLAN FOR THE VILLAGE CENTER REDEVELOPMENT AND THE ASSOCIATED SUBSEQUENT PLANS.**

5. IF THE COMPREHENSIVE SKETCH PLAN AND FINAL DEVELOPMENT PLAN ARE APPROVED IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.F.5, THEN [[THE SITE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED]] **THE PETITIONER IS AUTHORIZED TO PROCEED WITH A SITE DEVELOPMENT PLAN** IN ACCORDANCE WITH HOWARD COUNTY ZONING REGULATIONS SECTION 125.E

6. ADDITIONAL PLANNING BOARD REVIEW CRITERIA FOR VILLAGE CENTER REDEVELOPMENTS

IN ADDITION TO THE ESTABLISHED CRITERIA USED BY THE PLANNING BOARD IN ITS EVALUATION AND APPROVAL OF COMPREHENSIVE SKETCH PLANS, FINAL DEVELOPMENT PLANS, AND SITE DEVELOPMENT PLANS, FOR VILLAGE CENTER REDEVELOPMENT PROPOSALS THE PLANNING BOARD SHALL MAKE FINDINGS ON WHETHER THE COMPREHENSIVE SKETCH PLAN, FINAL DEVELOPMENT PLAN, AND SITE DEVELOPMENT PLAN IS IN CONFORMANCE WITH ALL THE FINDINGS AND CONCLUSIONS OF THE ZONING BOARD DECISION AND ORDER FOR THE VILLAGE CENTER REDEVELOPMENT.